IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.939 OF 2004

Jai Maharashtra Shikshan Sanstha. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
Mr. A. M. Joshi for the Petitioner.
Mr. V. P. Malvankar, AGP for Respondent Nos.1 to 4.
.....
CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 3, 2006.

P.C. :

Having heard the Learned Counsel at length and having considered the reply filed by the Respondents, we are not inclined to grant reliefs as prayed for by the Petitioner.

2. The Petitioner has challenged the permission to run the Secondary School granted to the Fifth Respondent. In the reply affidavit it is pointed out that as per the directions issued by this Court, to the State Government in Writ Petition No.1773 of 2000, the proposal submitted by Respondent No.5 to run the Secondary School was scrutinized by the District and the State level Committees. The recommendations of these Committees were

taken into consideration by the State Government and thereafter, the permission was granted vide letter dated 12th November 2003. It may be noted that the said permission was on permanently no grant-in-aid basis. The State Government has also taken into consideration the fact that the existing school at village Dahivali is situated at 5.25 km. away from the new school at village Parodi of Respondent No.5. However, at this stage, the Learned Counsel appearing on behalf of the Petitioner stated that he would like to make a representation to the Competent Authority with a request to consider the hardship which is occurred to the Petitioner due to the permission granted to Respondent No.5 to run the school. The Petitioner would be at liberty to make appropriate representation in that behalf.

3. With the above observations, the petition is disposed of.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.